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LETTER DATED 12 JUNE 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 11 June 1997 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the practice of the representative of the United States in the Security Council Committee established by resolution 661 (1990) of obstructing the implementation of resolution 986 (1995) and delaying the delivery of supplies of food, medicine and other humanitarian items of a civilian nature to the Iraqi people.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative

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Annex

Letter dated 11 June 1997 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I should like to call your attention to the fact that, during the initial 180-day period the Memorandum of Understanding has been in effect, the representative of the United States of America in the Security Council Committee established by resolution 661 (1990) has deliberately obstructed and delayed the processing of contracts in the Committee for odious political reasons inimical to the people of Iraq. He has done so by raising contrived and unwarranted objections in order to place on hold or block many of the contracts submitted to the Committee. Contracts placed on hold and blocked have thus accumulated, and the streamlining of the approval of contracts and the delivery of goods to the Iraqi people have been disrupted. As at 10 June 1997, 669 contracts had been submitted to the secretariat of the Committee, the Committee had approved only 409 and the number placed on hold by the United States had reached 166. This has caused delay in the delivery of goods to Iraq for five consecutive months over the six-month period established by resolution 986 (1995) for the sale of sufficient Iraqi petroleum to produce a sum of two billion dollars and for the purchase of goods and their distribution to the people of Iraq.

Any fair-minded person reviewing the objections raised by the representative of the United States in order to place on hold or block contracts would find that they are not only contrived and unwarranted but are also characterized by arbitrariness and an irrationality that logic must reject. During May 1997, for example, the representative of the United States placed on hold eight contracts - submitted by Belgium, Germany, China, France, Turkey and Tunisia - in order, allegedly, to seek clarification on how the goods would be monitored before all the observers were in place and at work. It will be clear to you that this pretext is illogical and unacceptable, inasmuch as it was advanced by the United States representative when the Memorandum of Understanding had already been in effect for five months and when 139 United Nations observers had already arrived. These observers enjoy freedom of movement on the ground in performing their tasks and also benefit from the privileges and immunities of the United Nations, as stipulated in the Memorandum of Understanding. They have been provided with a complete communications system under the Office of the Coordinator of the United Nations Humanitarian Programme in Iraq, and they are using Habbaniyah airfield for unrestricted travel to and from the country. There are no obstacles to their movements in monitoring the equitable character of distribution and in assessing the quality of the goods imported. These facts have been confirmed by Mr. Yasushi Akashi, Under-Secretary-General for Humanitarian Affairs, in his report to the Security Council following the field visit he made to Iraq from 3 to 9 May 1997 for the purpose of monitoring the implementation of resolution 986 (1995) in the country and also by your own 2 June 1997 report to the Security Council pursuant to paragraph 11 of resolution 986 (1995) (S/1997/419).

The United States representative has not been content with raising illogical objections to contracts but also adopts a blatantly arbitrary position in placing on hold and blocking many contracts without providing any reason at all for doing so. These are contracts for medicines, food and other

humanitarian items of a civilian character that are urgently needed by the Iraqi people, which is suffering because of the maintenance of a comprehensive embargo against it for seven consecutive years. The failure to provide any reason for placing on hold or blocking such contracts is to be interpreted not only as arbitrariness but also as contempt for the duties and responsibilities of the other members of the Security Council, permanent or otherwise. As of May 1997, the United States representative had placed on hold 72 contracts for medicines and food, including, merely by way of example, those numbered as follows: 70, 80, 97, 123, 162, 204, 209, 147, 148, 535, 365, 127, 145, 180, 187, 188, 194, 195, 196, 197, 207, 208, 211, 214, 218, 325, 354, 357, 358, 294, 198, 199, 439, 432, 433, 473, 505, 205, 237, 150, 151, 152, 183, 166, 167, 243, 489, 490, 491, 492 and 182.

Contracts for foodstuffs that the United States representative deliberately placed on hold for long periods of time before a decision was reached include those numbered as follows: 44 (with Viet Nam for rice); 125 (with Austria for rice); 45 (with Austria for sugar); 405 (with the Russian Federation for sugar); 8 (with Jordan for Ceylon tea); 9 (with Jordan for Ceylon tea); 132 (with the Russian Federation for infant formula); 157 (with Turkey for plastic flour bags); 217 (with Belgium for dockside cereal-handling equipment); and 377 (with Viet Nam for rice).

The United States representative also blocked a number of contracts after placing them on hold for various periods of time. They include, by way of example, the contracts numbered as follows: 20 (with Viet Nam for rice); 21 (with the Sudan for sugar and beans); 24 (with Jordan for cooking oil); 25 (with Jordan for detergent); 26 (with Jordan for soap); 30 (with Jordan for sugar); 66 (with Jordan for flour); 351 (spare parts for trucks); 426 (with China for spare parts for tractors); 434 (with Jordan for electrical cable); 411 (with China for batteries); 482 (with China for tyres); 566 (with Poland for spare parts for diesel engines); and 312 (with Italy for sewer-cleaning vehicles).

The representative of the United States has also placed on hold a significant number of contracts for medical supplies, more than 40 of them, on the grounds that the items included in these contracts do not appear in the categorized list annexed to the purchase and distribution plan. Upon scrutiny, it was found that the items were indeed included in the categorized list. They include, by way of example, the contracts numbered as follows: 369 (with Smith Kline, United Kingdom), 170 (with Smith Kline, United Kingdom), 202 (with JPM, Jordan), 227 (with Smith Kline, United Kingdom), 236 (with Roussel, France), 238 (with Roussel, France), 306 (with Merck, United Kingdom), 212 (with Hoechst Marientald), 335 (with B. Braun), 336 (with B. Braun), 387 (with Zeneca), 356 (with Ciba Gengu), 359 (with Ciba Gengu), 231 (with PANIM), 242 (with ROOM), 143 (with APM), 222 (with FAKO), 389 (with Amersham), 390 (with Amersham), 431 (with Jordam Medicane), 457 (with B. Braun), 300 (with MISK), 309 (with ZN), 121 (with Novatis), 537 (with Biomenieuk), 569 (with Septodent), 369 (with Biotest), 594 (with Cilag) and 318 (with Vremya).

The representative of the United States in the 661 Committee also placed on hold the medical contracts numbered 252, 253, 391, 428, 429 and 553 on the grounds that they included free merchandise or free medical samples. The use of this pretext only confirms that the United States of America is pursuing a policy of impeding the smooth implementation of the Memorandum of Understanding

and disrupting the processing of contracts in the 661 Committee. The inclusion of free merchandise and medical samples in contracts for medicines is a standard commercial practice in all countries of the world. Pharmaceutical companies distribute them to physicians in order to introduce their products and to provide information on a particular medication and on its ingredients and uses as well as other details of a scientific nature that are useful in the treatment of patients. There is no doctor's office in the world, not even in the United States, that is without medical samples of this kind, and the doctor usually gives them to his patients free of charge. The question of free merchandise and free medical samples has, moreover, been discussed by the Iraqi Ministry of Health, the sectoral and geographical observation units, and the Office of the World Health Organization in Baghdad, and agreement has been reached on a formula for their distribution in accordance with the same principles as those governing the distribution of other medicines to all governorates of Iraq, including the three northern governorates, while taking account of population figures and the number of doctors in each governorate.

The cases we have cited and the examples we have given above confirm in a manner that leaves no room for doubt that the major and basic cause of the disruption in the implementation of resolution 986 (1995) and the delay in the delivery of supplies of food, medicine and other humanitarian items of a civilian character to Iraq in accordance with the resolution and the Memorandum of Understanding between the Secretariat of the United Nations and the Government of Iraq of 20 May 1996 has been the obstruction and retardation of the processing of contracts in the 661 Committee by the representative of the United States in the Committee for reasons that are obvious to all. This places the major responsibility for this great and deliberate dilatoriness squarely on the shoulders of the Government of the United States of America, which is using the mechanism of the 661 Committee as a political instrument against Iraq on grounds that are in all cases no more than unacceptable and arbitrary pretexts.

Given your responsibilities in connection with the implementation of Security Council resolutions 986 (1995) and 1111 (1997) and of the Memorandum of Understanding between the Secretariat of the United Nations and the Government of Iraq of 20 March 1996, we call upon you to urge the Government of the United States to desist from using the 661 Committee to obstruct the processing of contracts by using flimsy and unconvincing arguments and pretexts in order to achieve preconceived political objectives that have the purpose of prolonging the suffering of the Iraqi people when it has already been subjected to a comprehensive embargo for seven years.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs

Note

The names of companies, given in the Roman alphabet in the Arabic text, are reproduced without change.